IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2948 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMJIBHAI LALJIBHAI GAMETI

Versus

STATE OF GUJ

Appearance:

MR IS SUPEHIA for Petitioner

NOTICE NOT RECD BACK for Respondent No. 1

MR UDAY BHATT, AGP. Respondent No. 2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 15/06/2001

ORAL JUDGEMENT

1. The petitioner was recruited as an Armed Police Constable in S.R.P.Group 9, Vadodara on 29/5/1968. Thereafter, the petitioner was transferred to Group

No.12, Gandhinagar and after undergoing training and clearing the qualifying test he was appointed as Armed Police Constable Driver since 1981. It appears that the petitioner was involved in an accident on 24/6/1987 which resulted in two fatalities, and as a consequence the petitioner was reverted on 26/6/1987 to the post of Police Constable. The petitioner has challenged the impugned order of reversion/transfer of the petitioner from the post of Driver Constable to that of Police Constable.

2. At the time of hearing it was submitted on behalf of the respondent that the learned Assistant Government Pleader has received the written instructions that "if the case against him will be ended in acquittal further action for his reinstatement as Driver will be taken". Mr.Supehia, appearing for the petitioner was not in a position to inform as to whether the petitioner has thereafter been acquitted or not.

3. In light of the written instructions received by the learned Assistant Government Pleader, we feel that the ends of justice will be met if the petition is disposed of at this juncture with a liberty to both the sides to revive in case of difficulty. This petition is therefore disposed of accordingly. Rule is discharged with no order as to costs.

Sd/-
(D.A.Mehta, J)

m.m.bhatt